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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,256	12/04/2003	Stefan Gotzfried	DT-6704	7786

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EXAMINER

WILLIAMS, JAMILA O

ART UNIT

PAPER NUMBER

3722

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/728,256

Applicant(s)

GOTZFRIED, STEFAN

Examiner

Jamila O. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The indication of allowable subject matter indicated in the office action mailed 3/24/2006 has been withdrawn in light of the rejections below.

Claim Objections

Claim1 is objected to because of the following informalities: there is a lack of antecedent basis for "the pot empty space".

In claim 2, there is a lack of antecedent basis for "the pot wall".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3,4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by 3,215,443 to Irving. Irving discloses a pot shaped chuck (1) designed to cooperate with a percussion mechanism (20) of a percussion power tool (fig 1) and an empty space of which is open at a working tool side thereof for receiving a working percussion tool (column 2 lines 46-50) and an empty space of which is open at a working tool side thereof for receiving a working percussion tool (5), the chuck comprising guide means (collet 12 or bushing 24) coaxial with a percussion axis and in which the working percussion tool (5) is received for joint rotation with the chuck and limited axial

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displacement thereto, at least one flushing liquid conduit extending along an inner surface (2) forming the pot empty space (looking at figure 2, the space between the tool 5 and the inner circumference of the chuck 1 forms the fluid conduit, in that the tool is hexagon and the inner circumference of the chuck is circular there is a space between the two), as recited in claim 1.

Regarding claim 3, Irving discloses a flushing head (16) arranged radially outwardly rotation free and liquid-tightly (via rings 28,29) in axial region of the pot wall; and at least one cross bore (18) formed in the pot wall for communicating the flushing head with the flushing liquid conduit.

Regarding claim 4, Irving discloses entraining webs (interior surface of the collet 12) extending along the guide means and forming entraining means for receiving a shank of the working percussion tool and transmitting a torque to the working percussion tool (column 3 lines 4-14).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irving in view of 5,378,091 to Nakamura. Irving discloses all elements of the claims but for the at least one flushing liquid conduit being formed as a groove in the inner surface.

Nakamura teaches (fig 7a,b) having grooves (24) in the chuck body for liquid. It would

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have been obvious to one having ordinary skill in the art at the time the invention was made to use the grooves of Nakamura with the chuck of Irving for the purpose of providing better fluid flow.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Irving in view of 2,827,019 to Taylor. Irving discloses all elements of the claims but for the chuck having inner threads extending along the guide means and cooperating with an outer thread provided on the shank of the tool. Taylor teaches having a chuck with interior threads (23) and a tool (25) having an exterior thread (24). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the thread teaching of Taylor with the chuck and tool of Irving for the purpose of providing a better connection between the chuck and tool.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Monday-Friday 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica Carter can be reached on 571-272-⁴⁴⁷⁵~~3484~~. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. *me*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JW 8-15-2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER